



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT : DISPUR

NOTIFICATION

The 11th March, 2023

No. LLE.09/2023/64.- The following Bills were introduced in the House on 10th March, 2023 along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General Information.

THE ASSAM PUBLIC SAFETY (MEASURES) ENFORCEMENT BILL 2023**A
BILL**

to provide for the public safety measures at the establishment in the state and for the matters connecting therewith or incidental thereto.

Preamble

Whereas it is expedient further to provide for the public safety measures at the establishments in the state of Assam and for matters connected therewith or incidental thereto;

It is hereby enacted in the Seventy-fourth year of the Republic of India as follows: -

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Public Safety (Measures) Enforcement Act, 2023.
- (2) It extends to the whole of the state of Assam.
- (3) It shall come into force at once.

Definitions

2. In this Act unless the context otherwise requires -
 - (a) **“Establishment”** means and includes Government buildings, public institutions, commercial establishments, industrial establishments, religious places, educational institutions, hospitals, sports complexes, railway stations, bus stations, cinema halls, storage buildings, any place of business or office employing 5 (five) or more persons, places of organized congregations and such other establishments as the Government, may by notification declare to be an establishment for the purpose of this Act;
 - (b) **“Government”** means the Government of Assam;
 - (c) **“Apartment”** means part of a property intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floor or parts thereof in a building intended to be used for residential, commercial or business or such other type of independent use as may be prescribed and with a direct exit to a public street, road, or highway or to a common area leading to such street, road, or highway;

- (i) a receiver, executor or administrator or a manager appointed by any court of competent jurisdiction to have the charges of or to exercise the rights of owner of the said premises,
 - (ii) a person having legal title over the premises,
 - (iii) a head of an institution or department, principal officer of a statutory authority or a company or a firm in respect of premises under their respective control.
- (d) **"License"** means a valid permission or license to run an establishment obtained under the Guwahati Municipal Corporation Act, 1969, Boards under Assam Municipal Act, 1956 and under Assam Municipal Corporation Act, 2022 or any other Act as relevant for the purpose of this Act; Assam Act no.I of 1973
Assam Act no.XV of 1957
Assam Act no.VIII of 2022
- (e) **"The Licensing (sanctioning) Authority"** means an authority competent to issue license to run an establishment under Guwahati Municipal Corporation Act, 1969, Boards under Assam Municipal Act, 1956, Assam Municipal Corporation Act, 2022 or an authority competent to issue permission or license for running an establishment; Assam Act no.I of 1973
Assam Act no.XV of 1957
Assam Act no.VIII of 2022
- (f) **"Notification"** means a notification published by the Government in the Official Gazette and the word notified shall be construed accordingly;
- (g) **"Prescribed"** means prescribed by rules made under this Act;
- (h) **"Public Safety Measures"** means Access Controls and Closed Circuit Television Camera System at all entry and exit points, common areas and all corners of the establishments, residential buildings and their parking areas by installing;
- (i) Access Controls through Physical and Technical means;
 - (ii) Surveillance through Closed circuit television surveillance camera system with a provision for storage of video footage for thirty (30) days;
 - (iii) The technical equipments adhering to the specifications as may be notified by the Government from time to time.

- (i) **"Person"** means and includes:
- (i) an individual;
 - (ii) a Hindu undivided family;
 - (iii) a company;
 - (iv) a firm under the Indian Partnership Act, 1932 (9 of 1932) or the Limited Liability Partnership Act, 2008 (6 of 2009), as the case may be;
 - (v) a competent authority;
 - (vi) an association of persons or a body of individuals whether incorporated or not;
 - (vii) a co-operative society registered under any law relating to co-operative societies;
 - (viii) any such other entity as the Government may, by notification, specify in this behalf;

Central Act
No. IX of
1932
Central Act
no. VI of
2009

- (j) **"Residential Building"** means and includes a building used for residential purpose which is above Ground + 2 Floors and which has one or more family dwelling units or lodgings and such other places or buildings as may be prescribed or as may be declared by notification to be a residential building for the purpose of this Act.

Liability to
provide public
safety measures

3. (1) Every owner or society or manager or person or the persons running an establishment with minimum five number of people and every such owner or society or person or persons owning or managing a residential building shall, provide and maintain public safety measures for the safety and security of the people their establishment or residential building.

- (2) Every owner or society or manager or person or the persons as described in sub-section (1) shall save or store video footage properly for a period of thirty (30) days and shall provide the same as and when required by an Inspector of Police having jurisdiction over the area or any other authority as may be notified by the Government.

Liability for
filing periodical
returns

4. (1) Every owner or society or manager or person or the persons as described in sub-section (1) of section 3 shall file and upload periodical returns in such manner and in such form and in such online portal as may be prescribed, certifying that the Public Safety Measures

are provided, properly maintained and the relevant equipments are in working condition, once in every six months.

- (2) Every owner or society or manager or person or the persons as described in sub-section (1) of section 3 as on the date of commencement of this Act, shall, implement public safety measures within a period of 1 (one) year from the date of commencement of this Act or in case of an establishment before the next date of renewal of license, whichever is earlier.

Power of
Inspector of
Police to inspect
premises

5. The Inspector of Police having jurisdiction over the area, may at reasonable time, with prior notice, enter into any establishment, inspect and check as regards the installation and functioning of the public safety measures and in case of any default or violation shall send a report to the Assistant Commissioner of Police (ACP) or Deputy Superintendent of Police (DSP) or Sub Divisional Police Officer (SDPO) as the case may be having jurisdiction over the area.

Failure to
provide Public
Safety Measures

6. (1) The Assistant Commissioner of Police (ACP) or Deputy Superintendent of Police (DSP) or the Sub Divisional Police Officer (SDPO) of the concerned area shall, on receipt of report from the concerned Inspector of Police having jurisdiction over the area under section 5, shall issue a show cause notice to the owner or manager or person or the persons who are running any such establishment, giving 15 days time for compliance.

- (2) If an owner or manager or person or the persons who are running any such establishment and an owner or society or person or persons owning or managing a residential building, on receipt of show cause notice issued under sub-section (1) above, fails to comply with the directions of notice, the concerned Assistant Commissioner of Police (ACP) or Deputy Superintendent of Police (DSP) or Sub Divisional Police Officer (SDPO) as the case may be levy a compounding fee on the owner or manager or society or person or the persons running such establishment or owning or managing a residential building -

(a) for the first month of default Rs. 5,000/-

(b) for the second month of default- Rs. 10,000/-

- (3) In case of any failure on the part of the owner or manager or the person or persons running an

establishment, to comply with the directions, within a period of two months, the Inspector of Police having jurisdiction over the area shall, seal the premises temporarily and send a report to licensing authority concerned, through the Assistant Commissioner of Police (ACP) or Deputy Superintendent of Police (DSP) the Sub Divisional Police Officer (SDPO) or having jurisdiction over the area:

Provided that the religious institutions or any other religious place shall not be sealed.

- (4) The licensing authority concerned shall, on receipt of such report under sub-section (3) above, shall issue show cause notice to the owner or manager or person or the persons who are running any such establishment and initiate action as per the provisions of law governing the issuance of license.

Appeal

7. (1) Any owner or society or manager or person or persons who are running an establishment and any owner or society or person or persons owning or managing a residential building, who is aggrieved by an order made or any action taken by Assistant Commissioner of Police or Deputy Superintendent of Police or Sub Divisional Police Officer (SDPO) under this Act, may prefer an appeal to the jurisdictional Commissioner of Police or Superintendent of Police as the case may be or such other Officer as may be prescribed, within thirty days from the date of issue of order or action taken. The Commissioner of Police or Superintendent of Police or such other Officer shall hear and dispose of the appeal in such manner as may be prescribed.
- (2) Any person or establishment aggrieved by the order of the Deputy Commissioner of Police or Additional Superintendent of Police may prefer a second appeal to the Jurisdictional Commissioner of Police or the Superintendent of Police as the case may be, within thirty days from the date of such order and in all cases order of the Commissioner of Police or Superintendent of Police shall be final. The Commissioner of Police or the Superintendent of Police shall dispose such applications in such manner as may be prescribed.

Protection of
Action Taken in
Good Faith

8. No suit, prosecution or legal proceedings shall lie against any authority or officer for anything done in good faith or intended to be done in pursuance of this Act or any rule or order made thereunder.

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|---------------------------------------|-----|-----|--|
| Savings | 9. | (1) | The provisions of this Act shall be in addition to and not in derogation of provisions of any other law for the time being in force and in the event of any conflict between a provision of this Act and an provision of any other law for the time being in force, the provision of this Act shall prevail to the extent of such conflict. |
| | | (2) | Nothing contained in this Act, shall exempt any person from any proceeding (whether by way of investigation or otherwise), which might apart from this Act, be instituted or taken against him. |
| Power of the Government to make rules | 10. | (1) | The Government may, by notification, make rules for carrying out the provisions of this Act. |
| | | (2) | Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. |
| Removal of difficulties | 11. | | If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary and expedient for the purpose of removing difficulties. |

STATEMENT OF OBJECTS AND REASONS

Government of Assam seeks to notify an Act that will serve as a bulwark against crime and through its enforcement, ensure public safety in the areas frequented people such as in commercial places, industrial establishments, religious places, educational institutions, government buildings, hospitals, sports complexes, railway stations, bus stations, places of organized congregations, residential buildings etc.

The Assam Public Safety (Measures) Enforcement Bill, 2023, is sought to be notified as a public safety measure in the state of Assam. Government intends to ensure safety of the citizens by mandating the use of surveillance equipment, like CCTVs etc, in spaces that usually see the congregation of people by the owners of such places. The use of data available with the owners of premises/ spaces together with data available with the government from its own sources will assist in creating a safe public environment across the state. The installation of Closed Circuit Television Surveillance using technical equipments adhering to the specifications notified by the Government at entry and exit points of the establishments, public places and private buildings is sought to be made mandatory in public interest. Surveillance through Closed circuit television surveillance cameras shall have a provision for storage of video footage for 30 days.

AND

Every owner/manager/person or person (s) running an establishment / residential buildings (above G+2) as on the date of commencement of this Act, shall, implement public safety measures within a period of one year from the date of commencement of this Act or before the next date of renewal of license in case of business establishment, whichever is earlier

ASHOK SINGHAL,

Minister,
Department of Housing & Urban Affairs etc.
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,

Minister,
Department of Housing & Urban Affairs etc.
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The Government may, by notification, make rules for carrying out the provisions of this Act as per power conferred under Section 10 (1) & (2).

ASHOK SINGHAL,

Minister,
Department of Housing & Urban Affairs etc.
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

**THE ASSAM SCIENCE AND TECHNOLOGY UNIVERSITY
(AMENDMENT) BILL, 2023**

**A
BILL**

further to amend the Assam Science and Technology University Act, 2009.

Preamble	Whereas it is expedient to amend the Assam Science and Technology University Act, 2009, hereinafter called the principal Act, in the manner hereinafter appearing; It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows:-	Assam Act No. III of 2010
Short title, extent and commencement	1. (1) The Act may be called the Assam Science and Technology University (Amendment) Act, 2023. (2) It shall have the like extent as the principal Act. (3) It shall come into force at once.	
Amendment of the Preamble	2. In the principal Act, in the Preamble, for the words “an affiliating University of Science and Technology at Guwahati” appearing in between the word “constitute” and the punctuation mark “.”, the words “a teaching, research and affiliating University of Science and Technology and other allied subjects” shall be substituted.	
Amendment of section 4	3. In the principal Act, in section 4, in clause (xvi), the punctuation mark “.” appearing at the end shall be substituted by the punctuation mark “;” and thereafter the following new clause (xvii) shall be inserted, namely:- “(xvii) to maintain and manage Assam Engineering College as Constituent College.”	
Amendment of section 10	4. In the principal Act, in section 10, in sub-section (4), in the proviso, for the words and numbers “not be less than Rs. 25,000/- per mensem including all allowances” appearing between the word “shall” and the punctuation mark “.”, the words “be as per Notification issued by Finance Department, Government of Assam” shall be substituted.	
Amendment of section 13	5. In the principal Act, in section 13, after sub-section (2), the following new sub-section (3) shall be inserted, namely:- “(3) The Registrar shall be appointed for a term of 5 (five) years and shall be eligible for re-appointment.”	

- Amendment of 6. In the principal Act, in section 16, in sub-section (1), in clause
section 16 A,-
- (i) for sub-clause (v) the following shall be substituted, namely:-
“(v) the Senior-most Secretary to the Government of Assam in the Higher Education Department,”;
 - (ii) for sub-clause (viii) the following shall be substituted, namely:-
“(viii) the Principals of all Engineering Colleges of the State of Assam affiliated by the University.”.
- Amendment of 7. In the principal Act, in section 27,-
section 27
- (i) in clause (iii), in second line, for the words “rupees ten thousand” appearing in between the words “exceeding” and “and to advise”, the words “rupees one lakh” shall be substituted;
 - (ii) in clause (vii), the punctuation mark “.” appearing at the end shall be substituted by the punctuation mark “;” and thereafter the following new clause (viii) shall be inserted, namely:-
“(viii) the University may also create by Ordinance made in this behalf one or more separate special funds for the administration of endowments, trust or other grants for specific purposes.”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Science and Technology University Act, 2009. It is proposed that the Department seeks amendment to some section of the Assam Science and Technology University Act, 2009 in order to bring about certain changes in its administration and working.

The amendments proposed are broadly explained as under:

1. Clause 2 of the Bill seeks to amend the Preamble of the Act.
2. Clause 3 of the Bill seeks to add Section 4 (xvii).
3. Clause 4 of the Bill seeks to amend the Section 10 (4) of the Act.
4. Clause 5 of the Bill seeks to add Section 13 (3).
5. Clause 6 (i) of the Bill seeks to amend the Section 16(1)A(v) of the Act.
6. Clause 6 (ii) of the Bill seeks to amend the Section 16(1)A(viii) of the Act.
7. Clause 7 (i) of the Bill seeks to amend the Section 27 (iii) of the Act.
8. Clause 7 (ii) of the Bill seeks to add Section 27 (viii).

The Bill seeks to achieve above objects.

RANOJ PEGU,
Minister,
Education, Government of Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORENDUM

The Bill proposes to amend the Assam Science and Technology University Act, 2009.

There is no provision in the Bill which would involve any expenditure from the Consolidated Fund of the State of Assam.

RANOJ PEGU,
Minister,
Education, Government of Assam.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves no proposals for delegation of legislative power to anyone.

RANOJ PEGU,
Minister,
Education, Government of Assam.

The Assam Science and Technology University (Amendment) Bill, 2023

Sl. No.	Clause of the Act	Present narration of provision at the ASTU Act, 2009	Proposed amendment	Justification
1.	PREAMBLE	"AN ACT to establish and constitute an affiliating University of Science and Technology at Guwahati"	"AN ACT to establish and constitute <u>a teaching, research and affiliating University of Science and Technology and other allied subjects.</u> "	i) Teaching and Research activities of University are needed for satisfying UGC 12(B) regulation by ASTU ii) Dropping "at Guwahati" enables ASTU to have campuses throughout the Assam State. iii) Inclusion of "other allied subjects" gives flexibility to the university, and would be useful for satisfying the goals of NEP 2020.
2.	NO PROVISION IN THE EXISTING 4. (xvii) is to be inserted additionally	—	(xvii) to maintain and manage Assam Engineering College as Constituent College.	i) There is no provision in the existing Act. ii) This provision will help overcome the need to create new post of faculties as well as infrastructure of ASTU
3.	The Vice Chancellor 10(4)	The emoluments and other terms and conditions of service of the Vice Chancellor shall be determined by the Chancellor: Provided that the salary of the Vice Chancellor shall not be less than Rs. 25000/- per mensem including all allowances.	The emoluments and other terms and conditions of service of the Vice Chancellor shall be determined by the Chancellor: Provided that the salary of the Vice Chancellor be as per Notification issued by Finance Department, Government of Assam.	As per the recommendation of the 7th Pay Commission and as accepted by the Govt. of Assam.
4.	NO PROVISION IN THE EXISTING ACT 13. (3) is to be inserted additionally	—	(3) The Registrar shall be appointed for a term of 5 (five) years and shall be eligible for re-appointment.	i) There is no provision in the existing Act. ii) Other State Universities of Assam include this provision.
5.	THE COURT: CLAUSE 16(1) A(v)	"the Principal Secretary to the Government of Assam and in his absence the Commissioner and Secretary to the Government of Assam in the Higher Education Department"	"the Senior-most Secretary to the Government of Assam in the Higher Education Department"	The term Senior Most Secretary implies to all Officers in the rank of Secretary and above in the Department.

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| 6. | THE COURT:
CLAUSE 16(1)
A(viii) | “The Principals of all Engineering Colleges of the State of Assam,” | “the Principals of all Engineering Colleges of the State of Assam affiliated by the University.” | University representation should be limited to university stake holders. |
| 7. | Clause 27 (iii) | “to examine every proposal for new expenditure involving a sum of money exceeding rupees ten thousand”. | “to examine every proposal for new expenditure involving a sum of money exceeding rupees one lakh”. | i) Considering consumer price index changes over the period of time.
ii) The limitation has been suggested in the light of limitations by other state university. |
| 8. | NO PROVISION IN THE EXISTING ACT
27. (viii) is to be inserted additionally | — | (viii) the University may also create by Ordinance made in this behalf one or more separate special funds for the administration of endowments, trusts or other grants for specific purposes. | i) There is no provision in the existing Act.
ii) This provision will help the university for utilization of the specific and accurately.
iii) This is required for compliance power and duties of Executive Council mentioned in Clause 19(c) of the Act.
iv) Other State Universities of Assam include this provision. |

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.